1940-42 File No. 4508/36

PUBLIC WORKS DEPARTMENT

A CLASS K M. BRANCH

Subject :— Electric License

Hubli

Appeal against recommendations & levy of fees by Asstt Electric Inspector, Poona

File No. 4598/36-M

Recommendations - The Hubli Electricity Co.Ltd.,Hub

1. All poles should be repainted and provided with numbe on some systematic bases, as at the time of inspectio was found that the number plates from poles are missin.

2. All tubular poles should be provided with suitable type of caps or finials.

3. Shackle insulators used as pin insulators for straight runs should be replaced by proper type of pin insulators.

4. Gaps of all horn type of lightning arrestors should be properly adjusted, in order that, they may be effective.

5. All sub stations should be cleaned periodically and dust removed from all live bare conductors.

6. Proper type of insulated platform should be provided ~~for~~ near the transformers of the overhead sub stations in Sarafkatta and Old Hubli, as the present wooden plank platforms are found insecurely fixed.

7. Loose V.I.R. connecting cables for the branch distributors, should be cut short, securely fixed and efficiently protected.

8. A uptodate plan of the network of the system of distribution, be prepared and be hung up in the Manager's Office.

9. The standby generating set No.4 is found, not in working order; owing to some defect in the foundation of the set, the foundation trouble be immediately removed and intimation of having set; the set in proper working order be given to the Electrical Inspector, Bombay.

10. The tower waggons should be kept in proper working condition ready for any immediate use.

11. Intimation should be given in due time before the new set No.5 is installed and ready for use.

- - - - - - -

Ref.No.E.E.34. 10th February 1940.

Letter from The Hubli Electricity Co.Ltd., Hubli,

To

The ~~Assistant~~ Electrical Inspector,

Public Works Department, ~~Poona~~. Bombay

Sir,

With reference to the memorandum and recommendations No.9285 of 22nd ultimo issued by the Assistant Electrical Inspector, Poona, we beg to intimate regarding item No.9 that the foundation of the standby generating set No.4 has been rectified and the engine put to operation after trial runs had been taken.

Yours faithfully;

for The Hubli Electricity Co.Ltd.,

Sd. Amte & Co.

Managing Agents.

THE HUBLI ELECTRICITY CO.LTD.

Ref. No.E.E.34. 27th February 1940.

The Assistant Electrical Inspector,
Poona.

Dear sir,

With reference to the recommendations issued by you under cover of your Memorandum No.9285 of 23rd ultimo, we beg to report as under:-

1. Recommendation No.3:- We would request you to kindly permit this recommendation to be kept pending till the present high prices of insulators and copper wire come down to normal.

2. Recommendation No.4:- All horn type lightning arrestors gaps have been duly adjusted.

3. Recommendation No.5:-The Sub-stations are being cleaned every fortnight and the bare conductors are kept free from dust as suggested.

4. Recommendation No.10:- Our two tower waggons being practically of every day necessity to us for over-head line work, they are being maintained in proper order throughout.

Yours faithfully,
for The Hubli Electricity Co.Ltd.,
Sd.Amte & Co.
Managing Agents.

No.L9/10964 of 1940.

Office of the

Assistant Electrical Inspector,
9, Byramji Jeejeebhoy Road,
Poona, Dated 18th March 1940.

To

Messrs.The Hubli Electricity Co.Ltd.,

Hubli.

Sirs,

Re: Recommendations.

With reference to your letter No.E.E.34 dated 27-2-1940 regarding item No.1 Recommendation No.3, I have the honour to inform you that your request cannot be complied with and that the work in question must be carried out without any delay.

I have the honour to be

Sirs,

Your most obedient servant.

Sd.

Asst.Electric Inspector, Poona.

THE HUBLI ELECTRICITY CO.LTD.

Ref. No.E.E.34.. Hubli, 25th March 1940.

The Assistant Electrical Inspector,
Public Works Department,
Poona.

Sir,

Re: Recommendations.

L9

With reference to your letter No.L9/10964 of 18th instant regarding recommendation No.3 of your list of 23rd January 1940, we beg to intimate ~~thank~~ as under:-

Because of urgent alterations to overhead lines during the past two months we have been unable to attend to this particular recommendation even after receipt of your letter of 18th instant. So, we would request you to please permit us an extension of time to carry out the work during our routine maintenance.

Yours faithfully,
for The Hubli Electricity Co.Ltd.,
Sd. Amte & Co.
Managing Agents.

THE HUBLI ELECTRICITY CO.LTD.

Ref.No.E.E.34. Hubli, 25th March 1940.

The Assistant Electrical Inspector,
Public Works Department,
P o o n a.

Sir,

Re:Recommendations.

With reference to your Memorandum No.9285 of 23rd January 1940 and the recommendations issued thereunder, we beg to request that an extension of time may please be granted for Item Nos.1, 2, 6, 7 and 8. These recommendations are being attend to, but due to certain other urgent overhead line alterations that had to be attended to during the past 2 months they could not be completed within the period provided.

As regards Item No.11, we have to intimate that the plant erection is not yet complete. We shall,however, be intimating to you as soon as the generating set is ready to be put into service.

Yours faithfully,
for The Hubli Electricity Co.Ltd.,
Sd. ~~Managing Agents~~ Amte & Co.
Managing Agents.

F O R M-A.

No.11175 of 1940.

Letter from the Assistant Electrical Inspector Poona.

Dated, 27th March 1940.

To

Messrs.The Hubli Electricity Co.Ltd.,

Hubli.

The electric installation at the above premises was re-inspected on 22nd and 23rd March 1940, and you are hereby required under Bombay Government Order, Public Works Department, as published in the Bombay Government Gazette, Pages 1605-1608 of 13th July 1933 No.6617, dated 10th July 1933, to pay an inspection fee of Rs.112-8-0 into the Government Treasury or the Imperial Bank of India to the credit of this Department under XIII-Other taxes and duties-B-Receipts from Electricity Duties-Now under the Electricity Rules,1922 and fees for electrical inspection of cinemas, by chalan in triplicate and ~~this~~ forward the receipted ~~triplicate~~ duplicate to this office, the triplicate being retained for your record. Care should be taken to mark the three chalans-Original, Duplicate and Triplicate. The fee may also be paid into this office or that of the Electrical Sub-Inspector, Belgaum in cash, by money order or cheque.

If this fee is not paid prior to the inspection, it is to be paid within ten days from the date thereof, failing which action will be taken against you under Section 54 of the Indian Electricity Act, 1910, in accordance with which the fee may be recovered on application to a Magistrate by the distress and sale of any moveable property belonging to you.

Sd.

Asst.Electrical Inspector,Poona.

No.11176 of 1940.

Asst.Electrical Inspector's Offic
P.W.D.,9,Byramji Jeejeebhoy Road,
Poona, Dated, 27th March 1940.

To

Messrs.The Hubli Electricity Co.Ltd.,

Hubli.

Re:Electric Installation at The Hubli Electricity Co.Ltd.,Hubli.

Sir,

With reference to the re-inspection of the above installation carried out by the Electrical Sub Inspector, Belgaum, I have the honour to inform you that it was noticed that the recommendations forwarded to you under this office No. 9285 dated 23-1-1940 have not been carried out by you. I have, therefore, to call upon you to carry out the same within 2 months from the date hereof and intimate to this office on completion of the work. A demand notice for Rs.112/8/-on account of the re-inspection fee is herewith enclosed for payment.

If on subsequent inspection, it is noticed that the recommendations are not carried out, a fee of Rs.112/8/ for each such inspection will be charged.

This disposes of your No.E.E.34 dated 25-3-40 both the letters.

I have the honour to be

Sir,

Your most obedient servant,.

Sd.

Asst.Electric Inspector, Poona.

Encl:1 Demand Notice.

THE HUBLI ELECTRICITY CO.LTD.

Ref.No.E.E.34. Hubli, 30th March 1940.

The Assistant Electrical Inspector,
Public Works Department,
Poona.

Sir,

We beg to acknowledge the receipt of your letter No. 11176 of 27th instant and are obliged to you for granting us a further 2 months time for carrying out your recommendations. We are however sorry that you intimate to us that of an inspection having been already carried out on 22nd and 23rd instant and have demanded a re-inspection fee of Rs.112/8/- thereto. In this connection we have to submit that the recommendations given by you have been so many and so comprehensive covering practically the whole of our works as it would be humanly impossible to carry out all of them within the short period of 60 days allowed to us. Further, the date of your recommendations is 23rd January 1940 and we were expected to complete them in 60 days, i.e. we were granted time till 24th instant; we do not know why the Electrical Sub-Inspector, Belgaum, should have carried out the inspection on 22nd and 23rd January instant only, i.e. 2 days even before the prescribed date. We believe that there has evidently been a mistake on his part in conducting such inspection.

In view of the above, we shall thank you to please treat your demand notice for re-inspection fee of Rs.112/8/- as cancelled and advise us of same.

Yours faithfully,
for The Hubli Electricity Co. Ltd.,
Sd.Amte & Co.
Managing Agents.

No.L.9/171 of 1940.

Office of the
Asst.Electrical Inspector,
9, Byramji Jeejeebhoy Road,
Poona, 6th April 1940.

To

Messrs.The Hubli Electric Supply Co.Ltd.,

Hubli.

Re: Re-Inspection Fee.

Sirs,

With reference to your letter No.E.E.34 dated 12-3-40, I have the honour to state that the recommendations were issued under this Office No.9285 dated 22/23/-1-40 giving 60 days' time to comply with the same. The time given expired on 23rd March 1940 the day on which your Power House and Distribution system has been re-inspected and not 2 days before as stated by you. If the time given was insufficient to you to carry out the work you should have put forth your grievances before the expiry of the stipulated period. As nothing has been heard from you to that effect, this office has arranged for re-inspection. The Electric Sub-Inspector, Belgaum has actually carried out the re-inspection and found that only 3 recommendations out of 11 have been complied with. The re-inspection fee has therefore, been charged for the services rendered by the Sub-Inspector. Hence the fee levied, is in order and will have to be paid.

I have the honour to be

Sir,

Your most obedient servant,

Sd.

Asst.Elec. Inspector, Poona.

THE HUBLI ELECTRICITY CO.LTD.

Ref.No.E.E.34. Hubli, 20th April 1940.

The Assistant Electrical Inspector,
Public Works Department,
P o o n a.

Sir,

Re: Re-Inspector Fee.

We beg to acknowledge the receipt of your letter No.L.9/171 dated 6-4-1940. A reference is made therein to a letter No.E.E.34 said to have been written by us on 12-3-1940 but we find that we have not addressed any letter to you on that date. We believe the reference is apprantly meant to our letter of 30-3-1940 and not to a letter dated 12-3-1940.

Even though the period allowed to us for carrying out all the recommendations is deemed as having expired on 23-3-1940, we submit that there was no reason for a re-inspection being carried out either before that date or even on that date. The re-inspection should in all fairness have been carried out on and after 24-3-1940 only.

In our letter No.E.E.34 dated 27-2-1940 we had specifically requested the favour of an extension of time on account of the high prices of insulators and copper wire at present but this concession was flatly refused to us by your letter No. L.9/10964 dated 18-3-1940. So the charge of our not having requested extension of time before the stipulated period cannot, however we consider, be seriously levelled against us.

Again by our above referred letter No.E.E.34 dated 27-2-1940 and also by our letter No.E.E.34 dated 10-2-1940 we had specifically intimated that recommendations Nos.4,5,9 and 10 had been fully attended to by us. Item No.11 is one, the completion of which is expected to be reported not within any stipulated period but only when it is completed in due course and the machinery is ready for use.

The balance of recommendations, we may again state, are so wide and comprehensive covering practically the whole of our works that it would be humanly impossible for any one to carry them all out within the short period stipulated, even with full command of all requisite finance. The recommendations Nos.1, 2 and 7 do not also specify the particular places in

Ref.No.E.E.34. 20th April 1940.

The Hubli Electricity Co.Ltd.

The Assistant Electrical Inspector,
Poona.

in our works where the defects, if any, are desired to be rectified and in the absence of such specific information, the locating of such defects by ourselves is a matter of close inspection for a considerably long period.

Further, your Memorandum No.9285 dated 22/23-1-1940 does not specify the Sections of the Indian Electricity Act,1910, or the Rules of the Indian Electricity Rules, 1922, whose requirements our Power House and Distribution System fail to comply with.

In view of all the above facts, we request again that your Demand Notice for Rs.112/8/- for fee for re-inspection may kindly be treated as cancelled and we be advised accordingly.

We fully trust that this will please meet with your fair, reasonable and sympathetic consideration.

Yours faithfully,

for The Hubli Electricity Co.Ltd.,

Sd. Amte & Co.

Managing Agents.

The Hubli Electricity Company, Limited.

MANAGING AGENTS :
MESSRS. AMTE & CO.
HUBLI. (DHARWAR)

TEL. ADDRESS
" LECTRICITY HUBLI "

POST BOX NO. 23,

REF. L./5.

Hubli, 20th April 1940.

The Deputy Secretary to the Govt.of Bombay,
Public Works Department,
Bombay.

Sir,

Appeal against recommendations & levy of fees by Asst.Electric Inspector,Poona.

We beg to submit herewith copies of the following correspondence that has passed between us and the Assistant Electrical Inspector, Poona, in respect of several recommendations issued by him, our representation of difficulties in carrying out all of them within the period allowed by him and the re-inspection fee demanded by him.

1. Letter No.9285 dated 22/23-1-40 from the Assistant Electrical Inspector, Poona to us, with list attached thereto.

2. Our letter No.E.E.34 dated 10-2-40 to The Elctric Inspector, Bombay.

3. Our letter No.E.E.34 dated 27-2-40 to the Assistant Electrical Inspector,Poona.

4. Letter No.L.9/10964 dated 18-3-40 from the Assistant Electrical Inspector to us.

5. Our letter No.E.E.34 dated 25-3-40 to the Assistant Electrical Inspector, Poona.

6. Our letter No.E.E.34 dated 25-3-40 to the Assistant Electrical Inspector, Poona.

7. Letters Nos.11175 and11176 dated 27-3-40 from the Assistant Electrical Inspector to us.

8. Our letter No.E.E.34 dated 30-3-40 to the Assistant Electrical Inspector, Poona.

9. Letter No.L.9/171 dated 6-4-40 from the Assistant Electrical Inspector, Poona.

10. Our letter No.E.E.34 dated 20-4-40 to the Assistant

THE HUBLI ELECTRICITY CO. LTD. Ref. E/5 ✓ Sheet No. 2 Date 20th April 1940.

To, The Deputy Secretary to the Govt.of Bombay,
Public Works Department,
Bombay.

Assistant Electrical Inspector, Poona.

From the foregoing correspondence it will please be seen that even under conditions beyond our control, we are required by the Assistant Electrical Inspector to pay a re-inspection fee of Rs.112/8/-, apart from the regularity or otherwise of his demand notice.

We shall feel highly obliged if, in due consideration to the facts stated in our letters to the Assistant Electrical Inspector, his demand notice for the said re-inspection fee of Rs.112/8/- is advised to be treated as cancelled, particularly in view of the present abnormal war conditions not permitting even the best organised institutions to strictly comply with all the recommendations within a stipulated period and on so wide a scale.

Requesting to be excused for the trouble,

Yours faithfully,
for The Hubli Electricity Co.Ltd.,

Managing Agents.

Enc:As above.

Issued 4508/36 dt 25/4/40.

25/4/40.

Acknowledges X

25/4/40.

25-4-40

25/4/40.

- 7 22/4

(M-B) Submitted

2 The papers may be

sent up to the El. Engr. to Govt

for favour of remarks in

the first instance

ELECTRICAL ENGINEER
TO GOVERNMENT
Inwd. No. 757
13 MAY 1940
File No.
P. W. D., BOMBAY

27-4-40

D.O. to El. Engr. to Govt. 29/4/40

29/4

29 APR 1940

PUBLIC WORKS DEPARTMENT
File No. 4508/36
22. APR. 1940
Serial No. 9164

24/4

Below U.O.R. No.4508/36/9164 dated the 29th April 1940, from Government in the Public Works Department.

No.LRM.117-516 of 1940.

Bombay, 13th May 1940.

Returned, with compliments.

2. The annual inspection of the Power House and the distribution system of The Hubli Electricity Co. was carried out by the Assistant Electrical Inspector, Poona, and a list of recommendations was issued to the Supply Company on the 23rd January 1940, which they were called upon to carry out within a period of 60 days, i.e., before the 23rd March 1940. The system was reinspected on the 22nd and 23rd March 1940, when it was found that most of the recommendations had not been carried out and as such a fee of Rs.112-8-0 was levied for this reinspection in accordance with rule 2(1) of the rules issued for the levy of fees in Government, Public Works Department, Notification No.6617/27 dated 10-7-1933. The Supply Company applied for an extension of time for complying with the other recommendations on 25-3-1940, i.e., after the expiry of the period given to them and after the second inspection was carried out. Had the Company pleaded their inability to obtain the materials and applied for an extension within the period prescribed, the extension would have been considered.

3. In view of the foregoing facts, I do not see any reason why the reinspection fee should be waived.

Electrical Engineer to Govt.

DFP.

(MB) Submitted.

2. Draft letter
P31
El. Engrs remarks, a draft
P32
letter to the Engr. is put up for
approval

21-5-40

MB
21/5.

MB 13/5

PUBLIC WORKS DEPARTMENT
File No. 4508/36
13 MAY 1940
Serial No. 1070

MB
13/5

MB
13-5-40

No.4508/36-M.

P.W.D.,B.C., 24th May 1940.

To

The Managing Agents,
The Hubli Electricity Coy.Ltd.,
Post Box No.23,
Hubli.

Subject:- Appeal against the order of the Asstt.El.Inspector,Poona.

Dear Sirs,

With ref. to your letter No.L/5, p27 dated the 20-4-1940, I am directed to state that the annual inspection of the Power House and the distribution system of your Co. was carried out by the Asstt. El.Inspr., Poona, and a list of recom - mendations was issued to the Coy. on the 23rd Jany.1940, which it was called upon to carry out within a period of 60 days, i.e., before the 23rd March 1940. The system was reinspected on the 22nd and 23rd March 1940, when it was found that most of the recommendations had not been carried out and as such, a fee of Rs.112/8/- was levied for this reinspection in accordance with rule 2(1) of the rules issued in Govt.Notifn., Public Works Department, No.6617/27, dated 10-7-1933. The Coy. applied for an extension of time for complying with the other recommenda- tions on 25-3-1940, i.e. after the expiry of the period given to it and after the second inspection was carried out. Had the Coy. pleaded its inability ~~for~~ to obtain the materials and applied for an extension within the period prescribed, the extension would have been considered. In the circumstances Govt.regrets that

it

4508/36.

it sees no reason to waive the recovery of the fee in question.

Yours faithfully,

Copy forwarded, with compliments, to the El.Engr. to Govt. for information with ref. to his No.LRM.11/516, dated the 13-5-1940.

ISSUED
27. MAY 1940

GR
21/5

The Hubli Electricity Company, Limited.

MANAGING AGENTS :
MESSRS. AMTE & Co.
HUBLI. (DHARWAR)

TEL. ADDRESS
" LECTRICITY HUBLI"

POST BOX NO. 23,

REF L./S.

Hubli, 30th May 193/40.

The Deputy Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sir,

Re: Appeal against the order of the
Assistant Electrical Inspector
Poona.

We beg to acknowledge the receipt of your valued letter No.4508/36-A of 24th instant on the above subject.

In praying for a favourable reconsideration of the matter we beg to submit that while passing your valued orders on our appeal, only one of our submissions against the levy of the re-inspection fee by the Assistant Electrical Inspector, viz., re-inspection before the stipulated period, appears to have been taken into consideration. The following other two important issues raised by us against such levy in our letter No.E.E.34 dated 20th April 1940 to the Assistant Electrical Inspector, Poona, (copy of which has already been submitted by us for your kind perusal) appear to have been lost sight of.

(1) By our letter No.E.E.34 dated 27-2-40 (i.e. more than a month before the stipulated period) we had specifically requested the Assistant Electrical Inspector the favour of an extension of time but this was refused to us by his letter No. L.9/10964 dated 16-3-1940.

(2) The Memorandum No.9285 dated 22/23-1-1940 from the Assistant Electrical Inspector to us does not any where specify

specify the specific sections of the Indian Electricity Act 1910 or the specific rules of the Indian Electricity Rules, 1922, those requirements our Power House and Distribution System were said not to comply with, though under Rule 5(4) of the said Rules it is specifically provided that "An inspector may serve an order in the form set out in Annexure VIII, upon any licensee, consumer or supplier, calling upon him to comply with any specified rules and the person so served shall thereupon comply with the order within the period named therein". Further, the said memorandum issued to us by the Assistant Electrical Inspector does not conform in all respects to the form set out in Annexure VIII to the said Rules wherein also specific provision is made for stating the particular rule of the Indian Electricity Rules 1937 which appears to him as not complied with by us. Nor does it (1)state that it is an order under Rule 5 (3 read with Rule 4) under heading given to the form in the said Annexure or (2) specify the contents of para 2 of the said form which undoubtedly is most important from the point of view of the person who is desired to carry out the order. All these important legal omissions point to the conclusion that the order is invalid and that we are not liable for any inspection fee much less for any re-inspection fee. In this inference we are confirmed by the valued commentary on page 220 of the recognised treatise " Electrical Law and Practice in India" by Messrs.H.K.Gangadharian and Thos:Ed. Ferro, where these experienced responsible authors while dealing with Rule 5(4) of the said Rules states as under:

"Any specified Rule - The order should contain speci-

To: The Deputy Secretary to the Govt. of Bombay,
Bombay.

specified rule with which the licensee etc. should comply. From this it is obvious that an order of the Inspector is not intended to include a recommendation, however desirable it may be, which is outside the scope of the rules. If the order did contain a recommendation having no reference to any rule a licensee would not render themselves liable to penalty under Rule 137 for failure to comply with the order."

We earnestly request that the Government's orders may kindly be reconsidered in the light of our above submissions and that revised favourable orders may kindly be passed thereon at the early date.

Yours faithfully,
for The Hubli Electricity Co. Ltd.,
Managing Agents.

(M.B.) Submitted:

2. The papers may be sent to the El. Engr. to Govt. for favour of remarks.

4-6-40

4/6.

H. O. to El. Engr. to Govt. 3/6/40

Sent 27/6

ELECTRICAL ENGINEER
TO GOVERNMENT
Inwd. No. 1282
1 JUN 1940
File No. L&Rm II
P. W. D., BOMBAY

-5 JUN 1940

PUBLIC WORKS DEPARTMENT
File No. 4508/36
1- JUN 1940
Serial No. 1217

MWB 3/6

1/6

1/6

2000-5-40

The Hubli Electricity Company, Limited.

MANAGING AGENTS :
MESSRS. AMTE & Co.
HUBLI. (DHARWAR)

TEL. ADDRESS
"LECTRICITY HUBLI"

POST BOX NO. 23,

Ref. I/5.

Hubli, 22nd June 1940.

The Deputy Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sir,

Re: Appeal against the order of the
Assistant Electrical Inspector, Poona.

We beg to invite your kind reference to our letter to you of 30th May 1940 which has not yet been acknowledged. We shall feel much obliged if a favourable reply thereto is sent to us at an early date, as the Assistant Electrical Inspector, Poona, has been threatening us with drastic steps for recovering the re-inspection fee demanded by him unless it is paid within 27th instant.

Yours faithfully,
for The Hubli Electricity Co.Ltd.,

Managing Agents.

(M.B) Submitted

2 The main file on the subject has been referred to the Secy. to Govt. on the 4-6-1940. It may be required to enquire its return

15/6/40

Yes, but why has the letter not been acknowledged?

MM. 25/6

PUBLIC WORKS DEPARTMENT
File No. 4508/36
24. JUN. 1940
Serial No. 13578

MB 25/6

25/6

24-6-40

(M.B.) Submitted.

2. With ref.to the Dy.Secy's query on p.42 ante, it may be stated that the Hubli Electy.Coy.Ltd., first addressed Govt.on the subject on the 20-4-40 and the receipt of this communication was immediately acknowledged and a reply was sent to the Coy.on the 24-5-1940, after obtaining the views of the El.Engr.to Govt. The Coy.in its letter dated the 30-5-40 addressed Govt.further, requesting reconsideration of the matter, and the case has been again refd.to the El.Engr. to Govt. for remarks. It is usual to acknowledge communication on a subject when it is first recd.and not at every subsequent stage of correspondence.The Coy's second letter dated the 30-5-40 refd to on p.1 ante was accordingly not acknowledged. The draft put up may, however, issue and the papers then refd.u.o. to the El.Engr.to Govt.as already approved.

27-6-40.

27/6

4508/36

No..4508/36. M.
P.W.D.,B.C., 28th June 1940.

To

The Managing Agents,
The Hubli El. Coy.Ltd.,
Post Box No.23, Hubli.

Subject:-Appeal against the orders of the Asstt.El.Inspr.,Poona.

Dear Sirs,

I am directed to acknowledge the receipt of your letters No.L/5,dated the 30-5-40 and the 22-6-40 on the subject mentioned above and to state that the matter is under consideration.

Yours faithfully,

D.A.-Nil.

BKR
27/6

ISSUED
1- JUL. 1940

27-6-40

27/6

U. O. to El. Engr. to govt. 3-7-40

-3 JUL 1940

ELECTRICAL ENGINEER TO GOVERNMENT
Inwd. No. 1669
4 JULY 1940
P. W. D., BOMBAY

Below U.O.R. No.4508/36/12171 dated the 4th June 1940, from Government in the Public Works Department.

No.LRM.11/ 1076 of 1940.

Bombay, 2nd July, 1940.

Returned, with compliments.

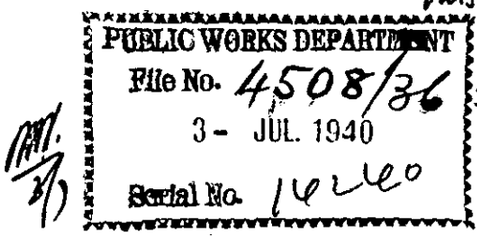
2. The point raised by the Company, that they had specifically applied to the Assistant Electrical Inspector, Poona, for an extension of time in respect of recommendation No.3, but their request was not granted, is immaterial, as most of the other recommendations were not complied with by the time the second inspection was carried out; otherwise, due consideration would have been given to the question of remission of the fees.

3. As regards the issue (2) raised by the Company, it is stated that the order issued to the Company on 23-1-1940 (page 1 ante), was only a recommendatory order, which is, as a matter of course, issued to all parties after inspecting their works, calling upon them to comply with certain recommendations within a specified time; after the expiry of such time a second inspection is made, for which the fees are charged in accordance with rule 2(1) of the rules issued in Government Notification, Public Works Department, No.6617/27 dated 10-7-1933. The Company appear to confuse this recommendatory order with an order to be issued under rule 5(4) of the Indian Electricity Rules, 1937. Such an order is, under that rule, required to be served only by the Electric Inspector, when any party persistently refuses to comply with any specified rule of the Indian Electric Rules, 1937, and in case of his non-compliance, he can be prosecuted for the breach of the rule concerned.

3. As the second inspection had to be carried out consequent upon the failure of the Company to carry out all the recommendations and not only recommendation No, 3, within the time specified, I do not consider this as a fit case for the remission of the fees asked for.

DFP.

Electrical Engineer to Govt.


PUBLIC WORKS DEPARTMENT
File No. 4508/36
3 - JUL. 1940
Serial No. 14260

MB
3-7-40

Below U.O.R. No.4508/36 dated the 3rd July 1940 from Government in the Public Works Department.

No. LRM.11/1122 of 1940.

Bombay, 4th July 1940.

Returned, with compliments.

2. The main file on the subject was returned with my remarks under this office No.LRM.11/1076 dated the 2nd July 1940.

Electrical Engineer to Govt.

DFP.

Jul 3 41.7

PUBLIC WORKS DEPARTMENT
File No. 4508/36
5 - JUL 1940
Serial No. 14476

Jul 3 41.7
28
41

5-7-40

(M.B.) Submitted.

2. These papers deal with the appeal of the Hubli Electricity Coy.Ltd. against certain recommendations issued by the Asstt.El.Inspr., Poona, and the re-inspection fee demanded by him. The facts of the case are briefly stated below.

3. The annual inspection of the power house and the distribution system of the Coy. was carried out by the Asstt.El.Inspr., Poona, and a list of recommendations was issued to the Coy. on the 23-1-40 and the Coy. was called upon to carry out the same within a period of 60 days. The system was re-inspected on the 22nd and 23rd March 1940, when it was found that most of the recommendations had not been carried out and as such, a fee of Rs.112-8-0 was levied for the re-inspection in accordance with rule 2(1) of the rules issued in G.N.No.6617/27, dated the 10-7-33. The Coy. requested Govt. in its letter dated the 20-4-1940 that the demand notice for the said reinspection fee of Rs.112-8-0 should be cancelled, but the Coy. was informed that Govt. saw no reason to waive the recovery of the charges. The Coy. was further told that if it had applied for an extension of time for ~~xx~~ complying with the recommendations within the period prescribed, the extension would have been considered - vide G.L. No.4508/36-M, dated the 24-5-1940.

4. The Coy. has now raised the following 2 issues :-

(1) that by its letter dated the 27-2-40 (i.e. a month before the stipulated period) it had specifically requested the Asstt.El.Inspr. to grant an extension of time, but this was refused in his letter dated the 18-3-1940.

(2) That the memo. dated the 22/23-1-1940 issued by the Asstt.El.Inspr. does not specify the particular sections of the Act or the rules thereunder, the requirements of which were not complied with, nor does the memo. conform in all respects to the form set forth in Annexure VIII to the I.E. Rules and that these important legal omissions point to the conclusion that the order is invalid and that the Coy. is not to be made liable for any inspection fee, much less for any reinspection fee.

5. With regard to the first point, the El.Engr. to Govt. states that this is immaterial, as the Coy. had applied for an extension of time in respect of recommendation No.(3) only, while most of the other recommendations were also not complied with by the time the second inspection was carried out.

6. With regard to the second point, the El.Engr. to Govt. states that the order issued to the Coy. on the 23-1-40 was only a recommendatory order, which is, as a matter of course, issued to

all

all parties after inspecting their works and that the Coy. is confusing this order with an order to be issued under Rules 5(4) of the I.E. Rules. The El. Engr. to Govt. states that this latter order is reqd. to be served only by the El. Inspr. when any party persistently refuses to comply with any specific rule and in case of his non-compliance, he can be prosecuted for the breach of the rule.

7. It may be stated in this con. that the order issued to the Coy. must derive its authority from some provisions of the Act or the rules thereunder, otherwise it will have no legal force and the Coy. will not render itself liable to action for failure to comply with that order. Such an order can be issued under Sec. 34(2) of the Act or rule 5(4) of the rules. under Section 34(2) of the Act, if at any time it is established to the satisfaction of Govt. that any electric supply lines or other works are defective so as not to be in accordance with the provisions of the Act or of any rule thereunder, Govt. may, by order in writing, specify the matter complained of and require the owner or user to remedy it in such manner as shall be specified in the order. The powers of the Provl. Govt. under this section have been delegated to Messrs. Higham and Nadkarni - vide G.N.No. 2678/36, dated the 14-11-1938

Under rule 5(4) of the Rules, the El. Inspr. may serve an order in the form set

set forth in Annexure VIII upon any licensee, non-licensee, consumer or occupier, calling upon him to comply with any specified rule and the person so served shall thereupon comply with the order within the period named therein.

It is thus clear that the order must specify the particular sections of the Act or the rules thereunder, the requirements which an owner should carry out. Mere issuing recommendations will not suffice, as the Coy. might refuse to carry them out and no action can be taken against such refusal. There seems therefore to be some force in the arguments advanced by the Coy. on this point and the El.Engr. to Govt. may be requested to reconsider ~~this~~ the matter. If necy., the R.L.A. may be consulted on the point later.

A

ELECTRICAL
TO GOVT.
Inwd. No. 2155
30 JUL 1940
File No.
P. W. D.

10-7-40

Yes as at A in the first instance.

11/7

U.O. to El. Engr. to Govt. 11-7-40

GR
10/7

Below U.O.R. No. 4508/36 dated the 11th July 1940, from Government in the Public Works Department.

No.LRM.11/ 1491 of 1940.

Bombay, 30th July, 1940.

Returned, with compliments.

2. It is requested that the opinion of the Remembrancer of Legal Affairs may also be obtained on the following point:-

Whether the written order of an Electric Inspector, referred to in the proviso (a) to rule 2(1) and proviso to rule 2(2) of the rules issued in Government Notification No.6617/27 dated 10-7-1933, is required to be served invariably in the form set out in Annexure VIII to the Indian Electricity Rules, when it is not issued under Section 34(2) of the Indian Electricity Act; and whether the order in form Spl.Elec.65-e enclosed is valid for the purpose.

Electrical Engineer to Govt.

DFP.

(M.B) Submitted

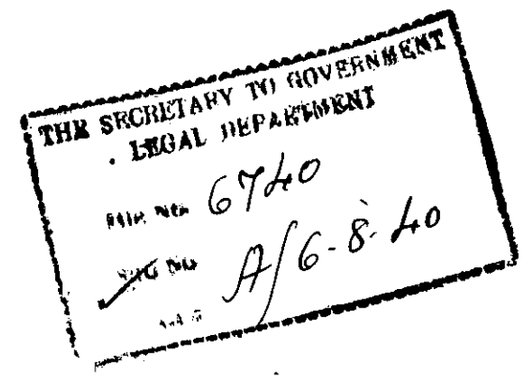
p.s.s

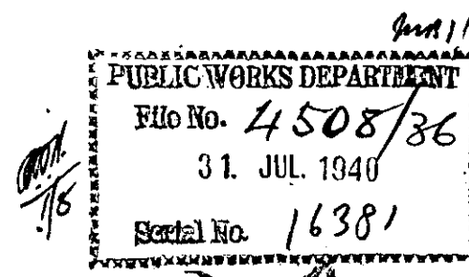
2. As suggested by the Electrical Engr. & Contr, the papers may be sent to the R.L.A. for favour of advice on the points at issue.

2-8-40

7/8

H.O. to R.L.A. 5-8-40





PUBLIC WORKS DEPARTMENT.

Bombay Castle, 14th November 1938.

INDIAN ELECTRICITY ACT, 1910.

No. 2678/36.—In exercise of the powers conferred by section 55 of the Indian Electricity Act, 1910 (IX of 1910), and in supersession of Government Notification in the Public Works Department No. 3455, dated the 25th September 1933, the Government of Bombay is pleased to authorise the discharge of such of its functions under the provisions of the aforesaid Act by such of the Electric Inspectors appointed under section 36 (2) in the Province of Bombay, as are mentioned below :—

Functions of the Provincial Government.	Name of Electric Inspector.
Sections 13, 18 and 34 (2) of and clauses V (2) and XIII of the Schedule appended to the Indian Electricity Act, 1910 (IX of 1910).	R. G. Higham, Electrical Engineer to Government.
Section 34 (2) of the Indian Electricity Act, 1910 (IX of 1910).	S. G. Nadkarni, Executive Engineer, Electrical Division.

2. Mr. Nadkarni shall ordinarily discharge the functions of the Provincial Government under section 34 (2) except in cases where Mr. R. G. Higham may determine to discharge them himself.

By order of the Governor of Bombay,

C. E. AITKEN,
Secretary to Government.

By Government Notification (Public Works Department) No. 2678/36, dated 14th November 1938, Government has in exercise of powers vested under section 55 of the Indian Electricity Act, 1910, delegated its powers under section 34(2) to the Electrical Inspector Mr. Nadkarni. Section 34(2) provides for power of Government to require by an order in writing the owner or user of defective electric supply lines or other works in cases falling under clauses (a), (b) or (c) to remedy it in such manner as shall be specified in the order. In cases falling under clauses (a) and (c) the defect found must be contrary to the provisions of the Act or the rules thereunder while in cases falling under clause (b) it is sufficient if the defect is dangerous to the public safety or to human life or injuriously affects any telegraphic line. Rule 5(4) of the Indian Electricity Rules, 1937, provides that the Inspector may serve an order in the form set out in the annexture VIII upon any licensee, non-licensee, consumer or occupier calling upon him to comply with any specified rule and the person so served shall thereupon comply. The annexture VIII provides for specifying what provisions of the Act or the rules thereunder have not been complied with; and in this respect it is similar to the form Spl.Elec.65e attached to the docket sheet; it thus covers cases under clauses (a) and (c), but not (b) of section 34(2). In the present case Mr. Nadkarni has not specified any non-compliance with the Act or the Rules, nor passed an order in the form prescribed in the Annexture VIII. If any of the defects pointed out fall under clause (a) or clause (c) of section 34(2) the order in respect of them, being not in the proper form prescribed would be invalid, for a penal provision must be strictly construed. (see Gangadhariah's Electrical Law and Practice in India, page 229). Moreover the present order itself is labelled "Recommendations", and has no specific reference to any provisions

sion of the Act, rules or licence. It also does not point out if any of the recommendations concerns a matter as grave as those provided for in section 34(2)(b) of the Act. Under the circumstances, the recommendations do not form a valid order under any of the clauses of section 34. The Hubli Electric Company, Ltd., ~~would~~ can not therefore be compellable to carry out the recommendations, nor would it be liable to pay the fees for the second inspection by Mr. Nadkarni.

J.R. Dumbre

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 8102 dated 14th September 1940.

(M-B) Submitted

2 As directed by the
Hy Engr, the papers may be
refer. to the El Engr to Govt

16-9-40

16/9/40.

Immediate
16/9
Secy to Govt
U.O. to El. Engr. to Govt. d. 16-9-40

ELECTRICAL ENGINEER
TO GOVERNMENT
Inwd. No. 3062
21 SEP 1940
File No.
P. W. D., BOMBAY

Secy to Govt
immediately
16/9

PUBLIC WORKS DEPARTMENT
Bldgs. 4508/36
14 SEP. 1940
Serial No. 19110

M.B. 16/9

16-9-40

Below U.O.R.No.4508/36/19110 dated the 16th September 1940, from Government in the Public Works Department.

No. ड्रेमिस/2089 of 1940.

Bombay, 21st September 1940.

Returned, with compliments.

2. The Remembrancer of Legal Affairs has not given his opinion on the point raised in this office U.O.R.No.LRM.11/1491 dated the 30th July 1940, page 55 ante; the same may please be obtained for future guidance. Copy of Government Notification, Public Works Department, No.6617/27 dated 10-7-1933, is attached for ready reference. In this connection, it is pointed out that in addition to the inspections carried out by the Electric Inspector under the Indian Electricity Act and the Rules thereunder, it is also incumbent on him to inspect the places of public entertainment to satisfy himself whether the provisions of the rules for the places of public amusement have been duly complied with, and in the case of non-compliance with any of the rules, it is necessary to issue an order upon the owner calling upon him to comply with such rules. The form set out in Annexure VIII would not apparently be suitable in this particular case, as it expressly refers to the Indian Electricity Rules, and it is for consideration whether the form Spl.Elec.65e attached to the docket sheet would not be valid for the purpose.

3. It is also presumed that the form in Annexure VIII to the Indian Electricity Rules, 1937, which is prescribed under rule 5 of the Rules, is intended for use only in the case of non-compliance with the provisions of the Indian Electricity Rules and not with the provisions of the Indian Electricity Act.

4. Instructions are solicited as to whether the order to be served in Annexure VIII is valid if signed by the officers appointed to assist the Electric Inspector, Bombay Province, vide Government Notification No.4714/36 dated the 12th August 1940.

P. Electrical Engineer to Govt.

(M-B) Submitted

2 The papers may be
refer. me to the R & A for
favour of advice on the
points now raised by the p 63 R.C.A.
Ec Engr to Govt.

23-9-40

U.O. to Sec Engr. R.C.A. 23/9/40 →

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 8165
Sub No.
Office A/26-9-40

S.D. 23 SEP 1940

Secretary's No. 24/9

Dy ✓
to R & A

PUBLIC WORKS DEPARTMENT
Ex. No. 4508/36
21 SEP. 1940
Central No. 19584

Blythe 23/9
21/9

The first question raised by the Electrical Engineer is whether the form in Annexure VIII of the Electricity Rules, 1937 or any other form can be used for an order of the Electrical Inspector when such order is not issued under section 34(2) of the Electricity Act, 1910. It is not clear under what provision such order is contemplated to issue; a reference to the proviso (a) to rule 2(1) and proviso to rule 2(2) of the rules issued in Government Notification, Public Works Department, No. 6617/27, dated the 10th July 1933 does not throw light on the point. Unless it is known under what provision the order is to be issued, it is not possible to say in what form the order should be.

2. The second question raised by the Electrical Engineer is whether in cases in which the Electrical Inspector has occasion to issue an order requiring compliance with the rules for the controlling of public places of amusement, the order may be in form 65e attached to the docket-sheet (ante). As presumed by the Electrical Engineer such an order need not be in the form in Annexure VIII to the Indian Electricity Rules, 1937. The rules for the licensing and controlling of theatres and other places of public amusement under section 39A of the Bombay District Police Act, 1890 and section 22 of the City of Bombay Police Act, 1902 do not prescribe any special form. The form in question would therefore appear to be suitable.

3. The third question is whether an order in the form in Annexure VIII is required to be issued only when there is a breach of compliance of any of the provisions of the Indian Electricity Rules, 1937 and not of the Indian Electricity Act, 1910. The presumption made by the Electrical Engineer

to Government in this respect that the breach of a rule alone can be directed to be complied with by issuing an order in that form appears to be correct. That form only refers to the Indian Electricity Rules and not the Act.

4. The last question raised is whether an order to be served in Annexure VIII would be valid if signed by any of the officers appointed by Government Notification, Public Works Department No. 4714/36, dated 12th August 1940 to assist the Eletrical Inspector. Sub-rules (1) and (2) of rule 5 of the Indian Electricity Rules, 1937, refer to the Inspector or any "officer appointed to assist the Inspector." Sub-rule (4) under which an order in the form in Annexure VIII can be issued does not however refer to an officer appointed to assist an Inspector. The omission seems to be deliberate. Consequently such an order must be signed by an Electrical Inspector.

J.R. Dhurandhar

Remembrancer of Legal Affairs.

U.R.to the P.W.D.,No. 857/ dated the 30th September 1940.

PUBLIC WORKS DEPARTMENT
File No. 4508/36
30 SEP. 1940
Serial No. 20152

M.B. 30/9

4508/36.

(M.B) Submitted.

2. The R.L.A's opinion 1766 dt 6
may be shown as to the Electrical
Engr. to Govt: with reference to
his note of the 21-9-1940 1863. The
El. Engr. to Govt. may be requested
to advise what further action
should be taken on the appeal
of the Hubli Electricity Coy Ltd
contained in their letter.

30-9-40 7/10

Ch. E. to Ch. Engr. 2-10-40

Sent 1/10

ELECTRICAL ENGINEER
TO GOVERNMENT
Inwd. No. 3673
29 OCT 1940
File No: 4508
P. W. D., BOMBAY

Below U.O.R. No.4508/36 dated the 2nd October 1940, from Government in the Public Works Department.

No.LRM.11/ 2551 of 1940.
Bombay, 26th October, 1940.

Returned, with compliments.

2. In view of the Remembrancer of Legal Affairs' opinion that the recommendations issued to the Hubli Electricity Co.Ltd. cannot have any legal force and the fee demanded is not, therefore, recoverable, the recovery of the fee in question may be waived.

3. With regard to para.4 of the Remembrancer of Legal Affairs' remarks on page 66 ante, it is stated that in view of the extensive jurisdiction of the inspection branch and large number of the electrical undertakings in operation in this Province which are to be inspected periodically, a number of orders in Annexure VIII will have to be issued by the Electric Inspector, Bombay Province, Bombay, under his signature, which work was hitherto done by the Assistant Inspectors. As the Electric Inspector also holds charge of the executive work, it would add very considerably to his work. With a view to relieve him to a certain extent, it is advisable that the officers appointed to assist him, vide Government Notification No. 4714/36 dated 12-8-1940, who are all officers of the gazetted rank, should be authorised to issue such orders. It is, therefore, suggested that the Central Electricity Board may be moved to make the following amendment to rule 5 of the Indian Electricity Rules, 1937, as soon as ever possible:-

"After the words 'An Inspector' occurring in sub-rule (4) of rule 5, add the following:-

'or any officer appointed to assist an Inspector.'"

Electrical Engineer to Govt.

DFP.

(M-B) Submitted

2 Ltr views of the
p69 ..
remarks made by the

EC Engr & Contr, the necessary.
M-71-74
Drafts are put up for o/h/l.

6-11-40

7/11

11/11

MB 26/X

PUBLIC WORKS
File 4508/36
26 OCT
21978

MD
11 Oct 40

4508/36.

No.4508/36-M.

P.W.D.,B.C., 14th Novr.1940.

To

The Managing Agents,
The Hubli Electricity Co.Ltd.,
Post Box. No.23,
Hubli.

Subject:- Appeal against the order of the Asstt.El.Inspr., Poona.

...

Dear Sirs,

In continuation of G.L.No.4508/36-M, dated the 28-6-40, on the subject mentioned above, I am directed to state that Govt. is pleased to waive the recovery of the re-inspection fee of Rs.112-8-0 and the El.Inspr., Bombay Province, is being informed accordingly.

Yours faithfully,

D.A.- Nil.

Copy forwarded, w.c., to the ~~Govt.~~ Govt. Bombay, for information and necy.action with ref.to his No.L.R.M.11/2551, dated the 26-10-40.

ISSUED
15 NOV. 1940

GR
6/xi

No.4508/36-M.

P.W.D.,B.C., 14th Novr.1940.

From

C.E.Aitken, Esqr., I.S.E.,
Secy.to the Govt.of Bombay,
Public Works Deptt.

(Member, Central Electricity Board)

To

The Secretary,
Central Electricity Board.

Subject:- I.E.Rules, 1937.
Proposed amendment of -
...

Sir,

I am directed to refer to rule 5(4) of the I.E.Rules, 1937, according to which an El.Inspr. may serve an order in the form set out in Annexure VIII upon any licensee, non-licensee, consumer or occupier, calling upon him to comply with any specified rule. In view of the extensive jurisdiction of the inspection branch and the large number of electrical undertakings in operation in this Province which are to be inspected periodically, a number of orders in Annexure VIII have to be issued by the El.Inspr., Bombay Province, under his signature. As the El.Inspr. also holds charge of the executive work, this adds very considerably to his work. With a view to relieve him to ~~xxx~~ a certain extent in this respect, it is considered advisable that the officers appointed to assist the El.Inspr.

under ...

4508/36

under rule 5(1) of the rules, who are also gazetted officers, should also be authorised to issue such orders. I am accordingly to request that the Central Electricity Board may kindly be moved to make the following amendments to rule 5 of the I.E.Rules, 1937, as soon as possible:-

"After the words "An Inspector" occurring in sub-rule (4) of rule 5, add the words "or any officer appointed to assist an Inspector." "

I have etc.

Copy forwarded, w.c., to the El.Engr.to Govt.for information with ref.to his No.L.R.M.11/2551,dated the 26-10-1940.

6-11-40.

ISSUED
15. NOV. 1940

GR
6/xi

A 3

4508/36

M.B. P.W.D.

Resubmitted.

2. With reference to the amendment No 73-74 proposed in the G.S. within the C.E.B. has since published in its notifn no A.803 dated the 29.10.41, the necessary draft amendments to G.E. Rules, which were to be taken into consideration by the Board on or after the 8th Febr 1942. It will be some time before the final orders of the Board are recd.

Await.

5/3/42

4/3/42.

+ File no 1611/36/D p. 17-5 (will be kept with recd.)

Ex. file 1611/36/2699 Remarks ← Chief Engr. 4/3/42 - Seen 4/3 A.S

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 23rd May 1942.

No. S. 71/1.—The following notification by the Central Electricity Board is republished :— INDIAN ELECTRICITY ACT, IX OF 1910.

No. A.-803, dated New Delhi, the 12th May 1942.

In exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), the Central Electricity Board directs that the following further amendments shall be made in the Indian Electricity Rules, 1937, the same having been previously published as required by sub-section (*1*) of section 38 of the said Act, namely :—

In the said Rules—

I. in sub-rule (4) of rule 5 after the words " An Inspector " the words " or any officer appointed to assist an Inspector under sub-rule (1) and holding gazetted rank " shall be inserted ;

II. for rule 6 the following rule shall be substituted, namely :—

" 6. *Appeals.*—(1) An appeal against an order served under sub-rule (4) of rule 5 shall lie—

(*i*) if the order is served by an officer appointed to assist an Inspector, to the Inspector ;

(*ii*) if the order is served by an Inspector, or in the case of an order of an Inspector against an appeal preferred to him under clause (*i*), to the Central Government or the Provincial Government, as the case may be.

(2) Every appeal shall be in writing, shall be accompanied by a copy of the order appealed against and shall be presented within three months of the date of such order. "

III. in Annexure VIII for the words " Electric Inspector " the following shall be substituted, namely :—

" Electric Inspector.	Officer appointed under sub-rule (4) of rule 5 ".

(Signed) D. S. JOSHI,
Secretary, Central Electricity Board.

By order of the Governor of Bombay,

C. E. AITKEN,
Secretary to Government.

4508/36

M.B. P.W.D.

Received with reference to his o.n. on p. 175 ante.

2. The necessary amendment has since been made - vide item I in the note overleaf.

Record.

18/11/42

28/11/42

A.S